



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/034,072 | 12/28/2001 | Michael Slutsky | 1130 | 2236 |

7590 06/29/2005

Himanshu S. Amin
Amin & Turocy, LLP
24th Floor, National City Center
1900 East Ninth Street
Cleveland, OH 44114

EXAMINER

KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/034,072 | Applicant(s) SLUTSKY ET AL. | |
| | Examiner Ahshik Kim | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/8/05 (Appeal Brief).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Appeal Brief

1. Receipt is acknowledged of the Appeal Brief filed on April 8, 2005.

5

Finality Withdrawn

2. In careful review of the Appellant's appeal brief, especially the summary of invention and subsequent argument section, the finality of the office action (mailed out on September 22, 2004) is withdrawn. Currently, claims 1-11 remain for examination.

10

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

15

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Callaghan et al. (US 6,058,304, hereinafter "Callaghan").

25

Re claim 1, Callaghan discloses a data entry system (see abstract) comprising a scanner head further comprising a laser light source and reflected light receiving means for decoding (col. 9, line 66 – col. 10, line 9); an ASIC circuitry 74, 150 (see figures, 3, 8-10 and 11) communicating with the scanning head 14 (col. 8, lines 36+; col. 14, lines 40+).

Art Unit: 2876

Re claim 2, as shown in figure 8, ASIC interfaces with laser scanner, touch screen 90, and optical interface 86. Laser scanner is a signal converted from reflected laser beam; optical interfaces uses optical signal (col. 8, lines 36+); and touch pad converts pressure into a signal. Therefore, the central processor 74 communicates with different
5 types of data.

Re claim 3, the portable data terminal is a barcode reader (col. 3, lines 47-55).

Re claim 4, the functionalities of ASIC includes power management (col. 14, line 53).

Re claims 5-7, battery charging (life cycle) is informed to the user (col. 7, lines
10 15-22).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under
25 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2876

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaghan et al. (US 6,058,304) in view of Kunert et al. (US 6,109,528, previously cited,
5 hereinafter "Kunert").

The teachings of Callaghan have been discussed above. Callaghan, however, fails to specifically teach or fairly suggest that the battery is Ni-MH battery.

Kunert teaches a portable electronic device 10 (see abstract) comprising an imager device in the form of photo diode, a laser scanner (col. 13, lines 15+) and
10 application specific integrated circuit (ASIC) (col. 12, lines 65+) which controls the majority of functions associated with a laser-based scanner. The micro controller implements a gas gauge function and recharging function (col. 18, lines 1+). Kunert further discloses that the device is further comprised of a Nickel-metal hydride type (col. 17, lines 17+) or lithium-ion type (col. 19, lines 15+).

15 In view of Kunert's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to use well known Ni-MH battery to the teachings of Callaghan in order to conserve power and reduce the frequency of charging. Ni-MH is a well known battery and used in wide variety of portable devices.

20 8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaghan et al. (US 6,058,304) in view of Meier et al. (US 6,561,428, previously cited, hereinafter "Meier"). The teachings of Callaghan have been discussed above.

Art Unit: 2876

Callaghan fails to specifically teach or fairly suggest that the ASIC in the barcode reader further comprises IDE interface function.

Meier teaches an optical reader 10 reading image data (see abstract) comprising an ASIC circuitry (col. 5, lines 5, lines 46-52). The circuitry further includes memory devices including "Compact Flash" or MMC card (col. 5, line 53- col. 6, line 15), which means that the interfaces for the card would also be included. The micro controller implements a gas gauge function and recharging function (col. 18, lines 1+).

In view of Meier's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate well-known data storage mediums such as "CF" card or hard-disks to the teachings of Callaghan in order to increase storage capacity of the data terminal. As known, the barcode and other image data are becoming increasingly denser, carrying large amount of information. Accordingly, the reader apparatus have to have large memory area to capture and manipulate complex image data. Moreover, by providing permanent storage area, the image can be stored and transmitted to other device, and therefore an obvious expedient.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Meier et al. (US 6,585,159); Smith et al. (US 5,992,744) disclose ASIC used in portable data terminal. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly

Art Unit: 2876

to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

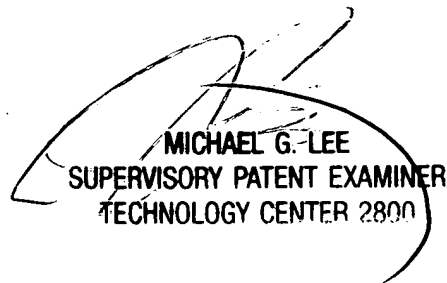
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Patent Examiner
Art Unit 2876
June 24, 2005



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800